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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,575

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Douglas D. LeClear

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WHIRLPOOL PATENTS COMPANY - MD 0750  
500 RENAISSANCE DRIVE - SUITE 102  
ST. JOSEPH, MI 49085

EXAMINER

MULLER, BRYAN R

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

06/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/648,575	<b>Applicant(s)</b> LECLEAR ET AL.	
	<b>Examiner</b> BRYAN R. MULLER	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 13-16, 18 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-16, 18 and 21 is/are allowed.
- 6) ☒ Claim(s) 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/6/2008</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 2/6/2008 has been entered.

### ***Claim Objections***

2. Claim 22 is objected to because of the following informalities: the claim preamble discloses a cleaning system for a vehicle, but lines 2 and 3 of the claim appear to be claiming limitations of a vehicle. Also, the preamble discloses a cleaning system, and line 4 appears to indicate that the cleaning system being claimed comprises a cleaning system, thus confusing the claims as to which cleaning system is being referred to. It is assumed that the applicant is intending to claim a vehicle having a cleaning system, wherein the preamble of the claim should be changed to "A vehicle having a cleaning system, the vehicle comprising:". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron (4,443,909) in view of Roden (4,940,082).

5. In reference to claim 22, Cameron discloses a vehicle having a cleaning system, the vehicle comprising an interior space (defined by the cab and the rear portion), the vehicle will inherently comprise a front seat and the area behind the seat being a storage area having a cleaning system located therein, the cleaning system comprising a vacuum canister (30) fixedly mounted to the vehicle and configured to draw a vacuum in the canister, a hose (22) fluidly connected to the vacuum canister, a suction nozzle (66) on the hose, a cleaning solution tank (14 or 16) for holding carpet and upholstery cleaning solution and a conduit (64) extending from the cleaning solution tank to a spray nozzle (74) for dispensing cleaning solution from the cleaning solution tank. However, Cameron fails to disclose that the vehicle comprises a rear seat between the front seat and the storage area or that a control is located on the suction nozzle to control operation of the vacuum and the spray nozzle. The Examiner hereby takes official notice that vehicles commonly having only a front seat, such as vans or pick-up trucks are also commonly made to alternatively have a front and rear seat, often referred to as a "Crew-cab" to fit additional passengers in the vehicle, especially in business vehicles to fit additional employees to complete jobs faster. Therefore, it would have been

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obvious to one of ordinary skill in the art at the time the invention was made to provide a rear seat between the front seat and the storage area to allow the vehicle disclosed by Cameron to carry additional passengers (employees) to provide more workers to operate the cleaning system, which will allow the cleaning system to be operated more quickly and efficiently. Further, Roden discloses a similar vehicle including a cleaning system and teaches that the suction nozzle (12) is provided with a control (21) to allow a user to control operation of the spray nozzle (18), which will make it more convenient for the user to control the spray during use of the suction nozzle without sacrificing control of the suction nozzle or spray nozzle. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the suction nozzle of Cameron with a similar control to control the spray nozzle, as taught by Roden, and it further would have been obvious to one of ordinary skill in the art to provide the suction nozzle with a similar control to control the vacuum to make it more convenient for the user to control the spray and the vacuum during use of the suction nozzle without sacrificing control of the suction nozzle or spray nozzle and so that the user does not need to step away from the suction nozzle, leaving it unattended while running, to stop the vacuum.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron (4,443,909) in view of Roden (4,940,082) as applied to claim 22 and further in view of Setrum (6,382,241).

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7. In reference to claim 23, Cameron and Roden disclose the vehicle and cleaning system, as discussed supra, and Cameron further discloses a hose storage module (shown in Figures 1 and 4) comprising a frame and a hub on the reel that is mounted to the frame for rotation about an axis with one end of the vacuum hose being mounted to the hub (as shown in Figs 1 and 4, the hose is wrapped around the hub, thus at least a portion of one end of the hub may be considered to be mounted thereon). However, Cameron and Roden both fail to disclose that the hose storage module comprises a roller fixedly mounted relative to the frame adjacent to the reel. Setrum discloses a hose reel, for storing hose tubing, that is similar to the hose storage module of Cameron, and teaches that the hose reel comprises at least one roller (86, 88 or 94) that are fixedly mounted (permanently attached) to the frame of the hose reel, located adjacent to the reel in a position to engage the vacuum hose in order to urge the vacuum hose on and off the reel when the roller rotates (rollers will inherently rotate when in contact with the hose and the hose is being moved onto or off of the reel). Setrum teaches that the rollers on the frame will position the hose on the reel in a more organized fashion to maximize the storage capacity of the reel and prevent kinks or pinches in the hose. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the hose storage module of Cameron with at least one roller that is fixedly mounted to the frame adjacent to the reel in a position to engage the vacuum hose in order to urge the vacuum hoses onto and off of the reel while the roller rotates, as taught by Setrum, to maximize the storage capacity of the reel and prevent kinks or pinches in the hose.

***Allowable Subject Matter***

8. Applicant is advised that the Notice of Allowance mailed on 11/16/2007 is hereby vacated because the Examiner has determined that claims 22 and 23, previously indicated as allowed are obvious in view of the prior art. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

9. Claims 13-16, 18 and 21 remain allowed.

10. The following is an examiner's statement of reasons for allowance: the prior art of record (considered as a whole) neither anticipates nor renders obvious a vacuum system for a vehicle comprising a hose storage module having a frame, a rotatable storage wheel with a hub mounted to the frame to rotate about an axis and a roller wherein the frame has a slot extending from the axis toward the roll and the hub moves within the slot, the hub being biased toward the roller to keep the vacuum hose engaged with the roller in combination with the rest of the limitations set forth in the independent claim (claim 21).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN R. MULLER whose telephone number is (571)272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bryan R Muller/  
Examiner, Art Unit 3723  
6/5/2008